

# FINAL BILL REPORT

## ESHB 1631

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Synopsis as Enacted

**Brief Description:** Using revenues under the county conservation futures levy.

**Sponsors:** By House Committee on Local Government (originally sponsored by Representatives Clibborn, Fromhold, Moeller, Wallace and Jarrett).

**House Committee on Local Government**

**House Committee on Finance**

**Senate Committee on Government Operations & Elections**

**Senate Committee on Natural Resources, Ocean & Recreation**

### **Background:**

Since 1971, state law has provided a method by which designated both public and private entities may acquire certain property rights for the purpose of conserving selected open space land, farm and agricultural land, and timber land for public use or enjoyment. Counties, cities, towns, metropolitan park districts, metropolitan municipal corporations, and nonprofit preservation and conservancy corporations meeting statutory requirements may acquire full or partial interests in lands by purchase, gift or other prescribed method. The pertinent statutes refer to such property interests as "conservation futures."

The acquisition of a "conservation future" by an authorized entity – public or private – confers on that entity rights in perpetuity allowing the exercise of varying degrees of control over how the property is developed or maintained. The degree and type of control over the property that may be exercised by an entity acquiring a conservation future is dependent on the terms of the purchase of the conservation future. For example, if a private owner sells a conservation future limiting his or her right to develop the property, but nevertheless retains title to the property, the private owner is restricted in his future use or development of the property in accordance with the terms of purchase agreement. In such instances, the private land owner would be required to seek the permission of the entity holding the conservation future before engaging in any activity that might be deemed inconsistent with the conservation future agreement.

Counties may levy a tax of up to 6.25 cents per \$1,000 of assessed valuation of all taxable property in the county for the purpose of acquiring conservation futures and other related rights and interests in real property. County legislative authorities may also establish a conservation futures fund, which may be used solely to acquire conservation futures and other rights and interests in real property pursuant to statutory requirements.

### **Summary:**

Counties are allowed to use conservation futures levy funds for maintaining and operating property acquired with such funds. However, no more than 15 percent of the funds collected in the preceding calendar year may be used for maintenance and operation of parks and recreational facilities. Also, conservation futures tax revenues may not be used to supplant existing maintenance and operation funding.

All rights or interests in real property acquired with conservation futures levy funds must be located within the assessing county. Counties are also encouraged to use some conservation futures funds for salmon restoration purposes.

In the event the property rights acquired with conservation futures funds diminish the ability of a county to accommodate planned growth, the county must adopt reasonable measures to restore the growth capacity lost by such actions.

County commissioners or county legislative authorities in counties with more than 100,000 residents are required to develop a process to ensure that conservation futures levy funds are eventually distributed throughout the county.

County legislative authorities in certain counties may authorize a ballot proposition that asks county voters to determine whether or not the county may make a one-time emergency reallocation of unspent conservation futures funds to pay for other county government purposes. This provision applies only to counties with population densities of fewer than four persons per square mile, requires that specified procedures be followed pertaining to the submission of the ballot proposition to the voters, and expires as of July 1, 2008.

**Votes on Final Passage:**

House	55	41	
Senate	46	3	(Senate amended)
House	92	3	(House concurred)

**Effective:** July 24, 2005